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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007667-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Simpson et al.

Application No.: 09/874,191

Filing Date: 08/04/2001

Confirmation No.: 5616

Examiner: Wesley J. Tucker

Group Art Unit: 2624

Title: **SYSTEM AND METHOD FOR TRANSFERRING SCANNED IMAGING DATA TO A PERSONAL IMAGING
REPOSITORY**

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on April 3, 2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

Simpson et al.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Wesley J. Tucker
Simpson et al.)	
)	Art Unit: 2624
Serial No.: 09/874,191)	
)	
Filed: June 4, 2001)	
)	
For: SYSTEM AND METHOD FOR)	
TRANSFERRING SCANNED IMAGING)	
DATA TO A PERSONAL IMAGING)	
REPOSITORY)	
)	
Date of Examiner's Answer)	Attorney Docket No.:
April 3, 2007)	10007667-1
)	
June 4, 2007)	

REPLY BRIEF under 37 CFR §41.41

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is timely provided within two months from the mailing date of the Examiner's Answer dated April 3, 2007.

CERTIFICATE OF FACSIMILE

Date of Deposit: June 4, 2007

I hereby certify that these papers are being transmitted to The Patent and Trademark Office facsimile number (571) 273-8300 on June 4, 2007.


Peter Kraguljac

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Reply

In response to the Examiner's Answer, dated April 3, 2007, Appellant respectfully submits the following reply as permitted under 37 CFR §41.41(a)(1). The Examiner's Answer contained no new grounds of rejection and this response contains no new amendment, affidavit or other evidence. The following sections address the Examiner's Answer in order by topic as they appear in the Examiner's Answer starting on page 22 and section "(10) Response to Argument."

I. Whether Claims 12-19 are unpatentable under 35 USC §102(b) as being anticipated by U.S. Patent 6,115,739 to Ogawa et al.

Independent Claim 12

Claim 12 recites a method for transferring scanned imaging data from a scanning device to a personal imaging repository and comprises:

"storing by the scanning device, in the composition store associated to the user, a link reference that identifies a location of the scanned imaging data..."

The rejection maintains that the user ID of Ogawa reads on the claimed link reference. As recited in the claim, the link reference "identifies a location of the scanned imaging data." The meaning is clear on its face. For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach each and every element of the claim. Section 2131 of the MPEP recites:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Ogawa fails to teach each and every element of claim 12 because Ogawa fails to teach "storing by the scanning device, in the composition store associated to the user, a link reference that identifies a location of the scanned imaging data." The image scanner of Ogawa does not store the user ID. Rather the image scanner of Ogawa receives the user ID as input from a user and nowhere in Ogawa does it disclose that the user ID is stored by the scanning device. The

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Examiner's Answer on page 28 states that Appellant's statement is "completely false." Yet, no citation in Ogawa has been provided that discloses "storing by the scanning device...a link reference" as claimed. Instead, the Examiner's Answer on page 28 only sets forth questions, none of which establish a storing step as claimed. Therefore, Appellant's statement is correct.

The Examiner's Answer also cites to a combination of Ogawa's user ID and a memory means which has relationships of correspondence as reading on the claimed link reference. Page 24, lines 2-5 of the Answer states: "It is this storing of correspondence between the user ID and the associated data that is interpreted as a link reference" and at the end of the first paragraph of page 24 it states, "Let is be clear that the User ID along with the stated correspondence relationships stored in memory constitute the claimed "link reference."" Indeed, a user ID by itself identifies a user and does not "identif[y] a location of the scanned imaging data" as claimed.

If this combination of user ID and correspondence relationships are taken to read on a link reference, then for Ogawa to teach the claimed storing step of claim 12, Ogawa must teach storing by the scanner both the user ID and the memory means, and/or storing the correspondence relationships. This is not taught since Owaga discloses, "Each user of the image scanner registers his/her own ID information in the directory associative file shown in Fig. 4 in advance. (Ogawa, Col. 4, lines 46-48). Thus, the user ID is not stored by the scanner. As for a memory means and relationships, Ogawa discloses, "A file for associating the data items with the directories is created in a designated directory by the administration software", which is "run by a super-user." (Ogawa, Col. 4, lines 34-37). Figure 4 of Ogawa shows a directory of associations, and this information not stored by the scanner. Thus, neither the memory means nor the correspondence relationships is stored by the scanner.

Ogawa fails to teach storing of either of these elements by the scanner and the rejections fail to provide any citations to show the contrary. The rejections have merely repeated that user IDs exist in Ogawa and that associations exist, but the rejections fail to show the actual claimed step of storing a link reference. The claimed "storing" is not taught by Ogawa and thus a prima facie anticipation rejection has not been established. The rejection should be reversed.

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II. Whether Claims 1-9 and 21-23 are unpatentable under 35 U.S.C. §103(a) over the combination U.S. Patent 6,115,739 to Ogawa and U.S. Patent 6,930,709 to Creamer et al.

Independent Claim 1

The Examiner's Answer on page 29 relies upon the arguments made under claim 12. No additional response was presented.

Claim 1 recites:

"a device firmware being part of the scanning device ... and being configured to store a link reference to the scanned imaging data in a centralized data store associated to the particular user"

As explained in the Appeal Brief, Ogawa fails to teach a scanning device that stores a link reference and thus fails to teach the claimed device firmware in a scanning device that stores a link reference to the scanned imaging data in a centralized data store. The Examiner asserts (under the argument of claim 12), "Let is be clear that the User ID along with the stated correspondence relationships stored in memory constitute the claimed "link reference."" Even if this is read on a link reference, it has been shown that Ogawa does not teach a scanner that stores the User IDs and does not store the correspondence relationships. No citations have been provided to the contrary. Therefore, Ogawa fails to teach or suggest the elements for which the rejection relies upon. Ogawa thus fails to support a prima facie obviousness rejection even when combined with Creamer. The rejection cannot stand.

The Examiner's Answer provides no additional response to Appellant's arguments relating to Creamer. Thus the arguments presented in the Appeal Brief are repeated and the rejections should be reversed.

Independent Claim 21

The Examiner's Answer on page 29 relies upon the arguments made under claim 12. No additional response was presented.

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Claim 21 recites a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when installed in a scanning device causes the scanning device to: transfer a link to a composition store associated with the user. It has been shown that Ogawa fails to teach or suggest a scanner that stores user IDs, memory means, or correspondence information. Thus, Ogawa fails to transfer these elements and fails to teach or suggest program codes that cause a scanning device to transfer a link to a composition store as claimed. Ogawa fails to teach or suggest the elements for which the rejection relies upon. Accordingly, Ogawa fails to support a prima facie obviousness rejection even when combined with Creamer. The rejection cannot stand.

The Examiner's Answer provides no additional response to Appellant's arguments relating to Creamer. Thus the arguments presented in the Appeal Brief are repeated and the rejections should be reversed.

Independent Claim 22

Claim 22 recites a computer program product comprising readable program codes that when executed causes a scanning device to perform: causing the link reference to be stored in a composition store identified by the composition store reference. For the same reasons as previously explained, Ogawa fails to teach the claimed features by a scanning device. A prima facie obviousness rejection has not been established even with the teachings of Creamer. Appellant repeats the arguments of the Appeal Brief. Thus the rejection should be reversed.

III. Whether Claim 10 is unpatentable under 35 U.S.C. 103(a) over the combination of Ogawa and Creamer and further in view of U.S. Patent 6,182,892 to Angelo et al.

The Examiner's Answer on page 29 relies upon the arguments made under claim 12. No additional response was presented. Appellant repeats the arguments of the Appeal Brief and those presented herein. Thus the rejection should be reversed.

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IV. Whether the level of ordinary skill has been properly ascertained

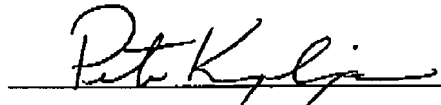
MPEP §2141.03 requires that Office Actions ascertain and describe the level of the hypothetical person of ordinary skill in the art so that objectivity can be maintained. After five office actions that did not include this requirement, the level of ordinary skill in the art for the first time has been presented in the Examiner's Answer.

Appellant respectfully disagrees that "anyone who has used a personal computer is one of ordinary skill in the art of this particular invention" as stated on page 30 of the Examiner's Answer. Anyone who has used a personal computer would include an insurance salesman, a secretary, and the like. The claims are directed to the internals of a scanning device, device firmware, programming firmware, and the like. One of ordinary skill in the art would be someone more like a computer scientist or electrical engineer with at least a bachelor's degree in engineering and an understanding of the complex internals of scanners, system programming, as well as network communications. Therefore "anyone who has used a personal computer" is not the level of a person of ordinary skill in the art. If this has been the standard applied in the rejections, then all rejections are improper for this additional reason.

Conclusion

Appellant respectfully maintains and repeats all previous arguments from the Appeal Brief and those presented herein, which show the deficiencies in the rejections. Accordingly, Appellant respectfully requests that the Board of Appeals overturn all rejections and allow all pending claims.

Respectfully submitted,



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